



# City of Carmel

## **CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE**

**Special Meeting—Village of WestClay**

**November 3, 2004**

**Minutes**

### **REPRESENTING THE CITY OF CARMEL:**

Jerry Chomanczuk  
Mark Ratterman  
Madeline Torres  
Steve Stromquist  
Wayne Haney

### **REPRESENTING THE DEPARMENT:**

Michael Hollibaugh  
Jon Dobosiewicz

### **CITIZEN AUDIT:**

Ray Thoman, 11320 Lakeshore Drive  
Elizabeth Thoman, 11320 Lakeshore Drive  
Dee Fox, 11389 Royal Court

### **REMONSTRATORS:**

Virginia Kerr  
Marilyn Anderson

**Docket Nos. 04060035 OA and 04060036 Z: Village of WestClay**

Filed by Brandon Burke of The Schneider Corporation

### **REPRESENTING THE PETITIONER:**

David Warshauer, Attorney, BARNES AND THORNBURG  
Tom Huston, BRENWICK DEVELOPMENT  
George Sweet, BRENWICK DEVELOPMENT  
Keith Lash, BRENWICK DEVELOPMENT  
Kevin Krulik, BRENWICK DEVELOPMENT  
John Mosele, JOHN MOSELE ARCHITECT  
Jennifer Pyrz, EDWARDS & KELCEY, Traffic Engineers

Comes now Village of WestClay, Ordinance Amendment and Rezone. The applicant seeks to amend their Planned Unit Development (PUD) ordinance and to rezone 30 acres from S-1/Residence-Estate to PUD-Planned Unit Development. The site is located at 131<sup>st</sup> Street and Towne Road.

Chomanczuk: I would like to proceed with the Ordinance Amendment. If we could have the Petitioner give us an update.

Warshauer: Thank you Mr. Chairman. I would like to point out the changes to the plan. We have made density changes to the thirty, (30) acres northwest corner of 131st Street and Towne Road. Reconfigured for single-family and reduced the number of townhome lots. Ball field has been moved to the north to create open space that adjoins Lakes of Hayden Run along with adding two home sites. We are showing seventy-two, (72) townhomes and thirty-three, (33) single-family. On the south side of 131<sup>st</sup> Street we have made changes to reduce the density. In the northwest corner of 131<sup>st</sup> Street we originally had a visual buffer of four, (4) townhomes to shield Lakes of Hayden Run from the commercial area and instead keeping with a good transitional use and still maintain the visual barrier we elected a Daycare Center.

We also moved the Amenity Center. Two small commercial buildings remaining the same at 274,800 square feet of commercial space. The sixty-four, (64) single-family homes along Laurel Lakes are all detached single-family dwellings like the Village Homes here (*pointing to map*). Reducing the overall density from 2.2 units per acre to 2.1 units per acre minus the Senior Housing. We are asking right now for 1,556 units. Not counting the Senior Housing we are asking for an additional seventy-one (71) units spread across 700 acres of the Village. These are the changes to date.

I would like to speak about parking and a new summary of Trip Generation Handout. Looking at a new scenario under number five of the handout based on 2.1 units per acre plus the Senior Housing and commercial at 274,800 square feet gives you a trip generation total peak hour traffic of 3,327 trips, which is 3.5 percent less than scenario number one. We have addressed the density and shown how the density affects traffic. The Commitments that are in place are still valid because they were done on the basis of a higher scenario.

Chomanczuk: Can we hear from the Department?

Dobosiewicz: No new updates. We suggest a walk through the revised ordinance.

Warshauer: I would like to start with tab number one.

Chomanczuk: Even though the date of revisions is earlier than tab two?

Warshauer: Yes, tab two shows the changes that were made between October and what was filed in August. Everything behind tab two is still incorporated within the marked areas of tab one.

Chomanczuk: We will begin with page 71 and if you have comments please speak them. Page 3 of 71; Page 4 of 71; Page 5 of 71; Page 6 of 71, no issues. Regarding Page 7 of 71—The Commercial Blocks A – C, I noticed on a different version there was a block E, why has it been omitted?

Huston: The plan changed—we will divide this area for platting purposes only.

Chomanczuk: There are further changes with the blocks?

Huston: No there are still three blocks.

Chomanczuk: Under “commercial structure” we have Sections 5.1 and 5.3 on a prior version you showed 5.1.2D, why has it been omitted?

Huston: That was an early reference to the Senior Housing Section and as defined did not constitute as a commercial structure. Most of these changes come by request of the Chairman at our last meeting and are in the definition section concerning the circularity relating to Senior Housing.

Chomanczuk: We had a side bar discussion identifying language terminology relating to congregate housing, senior housing, assisted living, nursing, retirement etc.

Huston: I did clean those up but still maintained a distinction between dependent and independent. Everything through page 15 covers definitional changes. The only substantive language changes are on pages 17, 18, and 21.

Chomanczuk: Regarding page 8 of 71; I do have a question on the “Design Vocabulary Section” the language indicates a review board. Is there a City agency that reviews these designs?

Dobosiewicz: The Department would approve a building permit after the review and approval by the VOWC Architectural Review Committee for housing and commercial.

Huston: All the commercial buildings go through TAC.

Chomanczuk: Okay, page 9 of 71?

Rattermann: I have a question on vertical dwelling you are meaning horizontal property regime? Do we need to say that?

Huston: No, it could be an apartment side to side.

#### Continued discussion of Apartment Definition:

Chomanczuk: Page 10 of 71; I have a question on the gross residential density as it applies to the Village Center Lofts. It is exclusive or hybrid where Center Loft is both residential and commercial.

Huston: Strictly residential unit to the extent that any part of the upper floor of a commercial building within the Village Center is of residential use is defined as a Loft.

Chomanczuk: Why then was it excluded from the density?

Huston: Our answer is that the use is ancillary to the primary use, which is commercial. We are substituting low intensity residential use for a high intensity commercial use and it would only mean an additional thirty, (30) units over the life of the project.

Chomanczuk: Regarding page 11 of 71, I have a question regarding the Inn—Is that an active category?

Huston: To say active—we do not have any present discussions under way for any such purpose but is an option we want to keep open as a viable use and is a permitted use.

Chomanczuk: Page 12 of 71 regarding the parking structure to accommodate more than five vehicles—What is the intent?

Huston: One of the concerns we had was with on-site surface parking. We brought up this issue in 2002 and the ordinance was amended to permit structured parking within the interior of the Village Center Block. We do not have a need for that today.

Chomanczuk: Page 13, under Principal Streets—you crossed out “Grafton” and replaced it...*(interrupted)*.

Huston: We do not have a Grafton there—it became a secondary street.

Chomanczuk: Page 14 of 71 regarding sign provision—Is this based on the City Sign Ordinance?

Dobosiewicz: Typically it is less square feet.

Huston: I took it from the existing Sign Ordinance.

Chomanczuk: Okay. Page 15 of 71—no issues.  
Page 16 of 71—I find this page to be very critical to the whole discussion, under Section 4.3, the intent and spirit of the changes, how modifications are to be looked at, and how the Commission should be guided by these particular principles.  
Page 17 of 71—The Auto Station is being eliminated. Is that because it is in the primary area?

Huston: It is permitted in the primary area—it is just a shift from one section to another.

Chomanczuk: Page 18 of 71—no issues.  
Page 19 of 71, regarding Section 5.3—I would like the Committee to notice the first five uses identified—there is a drive-thru service attached to almost each one. This is new language to the ordinance.

Rattermann: Have we always allowed drive-thru?

Huston: Yes, but I understand your concern with regard to drive-thru. Your image of a typical drive-thru is not the standard we have in mind. We have in place Architectural Design Standards. We have five years of experience in this development of VOWC and you can see the standards we have specified. I’m not sure what your concern would be beyond that.

Chomanczuk: Do you have any objections to a major fast-food chain coming to VOWC, “Carmelized” so to speak, and adhere to the standards of VOWC?

Huston: Let me say that McDonald’s has a restaurant in the Historic District in Charleston, which has the most rigid architecture control standards in the Country. Our approach is that anyone wanting to put a facility here must adhere to our standards.

Warshauer: In the Design Guidelines, page nine behind tab four, reads as follows; “Corporate off-the-shelf designs are not appropriate to the VOWC and

will not be approved. Respective purchasers should understand the design requirements for commercial structures in the VOWC and are not subject to negotiation". These design standards are enforceable under the ordinance.

*Continued discussion of Drive-thru:*

- Chomanczuk: Items six (6) and seven (7)—One is a Convenience Store another is a Convenience Market. Is the difference the sale of Gasoline?
- Huston: I took that out of Carmel's existing Ordinance.
- Chomanczuk: I suggest eliminating one.
- Huston: Which one?
- Dobosiewicz: It does not matter to the Department—it all applies to retail.
- Chomanczuk: Car Wash and item five (5), the sale of Gasoline and washing of vehicles—Is that redundant?
- Huston: You could have one separate from the sale of Gas, so I would like to keep that open.
- Chomanczuk: Item nine, (9) Package Liquor Store—Is this necessary when the sale of liquor is acceptable just about everywhere?
- Huston: We are limiting the number of uses on the west side but still allowing as many uses possible.
- Chomanczuk: I foresee a conflict with clients and tenants.
- Huston: Some of these uses are mutually exclusive.
- Chomanczuk: Barber Shop/Hair Salon, no drive-thru required on that.
- Huston: It is permitted in the Village Center but not on the west side.
- Ratterman: I am looking at this as neighborhood serving retail. I do not like the freestanding Liquor Store but the fast food restaurants bother me more. I cannot accept any fast food restaurant with a configuration of a drive-thru as neighborhood serving.
- Huston: I do not agree. What is the difference in a restaurant in the Village and fast food? Right now, people are driving and creating traffic driving distances to the fast food restaurants outside the neighborhood and creating the traffic that everyone is complaining about. If the 1,500 or so residents desire a hamburger with convenience they should be able to stay within the neighborhood to get it.
- Warshauer: This is almost completely residential. We want diversity for a community development. There is too much invested in the residential neighborhood to kill it with a nuisance. We believe this makes sense.
- Chomanczuk: I agree. With the various uses being discussed, what would be the hours of operation?
- Huston: With respect to a Pharmacy, I cannot say it would not be open all night, but have not given a lot of thought to it. Our objective is to have something that provides enhancement and value along with convenience within our project.
- Chomanczuk: I would like to see suggested hours of operation added to the Ordinance.

Huston: What are you suggesting—No operation after 10:00 PM?  
Chomanczuk: I think we can leave that to the petitioner to develop a timeframe that is convenient with the clientele being planned.

*Continued discussion on Drive-thru and hours of operation:*

Chomanczuk: I would like to allow some time for the public to speak. (Herewith instructions to the public)

Public comments:

**Virginia Kerr:** I served on the Plan Commission from 1976-1982 and was President two of those years. There was a time when Meridian was being developed. A question was raised, “do we want Meridian to become like 52<sup>nd</sup> and Keystone”? We worked through what we thought would be a right idea and it became what you know as the Meridian Overlay. I have been to the meetings and I believe we have a group that is endeavoring to put together a small Williamsburg. I understand the fact that the free enterprise system works in America. I think we need to trust these concepts that are being presented. The City, the Plan Commission, the City Council—all have worked to create a lot of beauty in Carmel. I beg you to work with flexibility and work together. I beg you to be open-minded and allow Carmel to unfold.

**Marilyn Anderson.** I believe your number of units is incorrect. Regarding the fast food, I am glad that the Ordinance will last and the VOWC ordinances will be enforced. I do not know how you stop the “fast food hangouts.” I would support limiting the hours of operation on drive-thru locations.

Warshauer: I am sorry—the units number 1,505 single-family attached and detached dwellings, which includes apartments, adding 51 Village Lots and 216 Senior Housing Units brings the total to 1,556.

Chomanczuk: Thank you. I would like to look at our calendars and make a personal commitment to make the next session the final session to resolve our issues.

Dobosiewicz: How about November 9<sup>th</sup>, 2004 and then I will add it to the Plan Commission Agenda for November 16<sup>th</sup> and mark it tentative.

Chomanczuk: The final product for the retail center of Clay Terrace after six (6) months of grueling, intensive meeting is a success. We hope the same will be said here too.

The next meeting for review of the Village of WestClay will be November 9, 2004 at 7:00 PM in City Hall. The meeting adjourned at 9:00 PM.

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Jerry Chomanczuk, Chairperson

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Pam Babbitt, Secretary Pro Tem